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CERTIFICATE OF MAILING

I hereby certify that this TRANSMITTAL is being deposited with the U.S. Postal Service, with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria VA 222313-1450, on this 29th day of March, 2005.

Customer Number

24024

Wendy A. Frick
Print Name Wendy A. Frick

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Not yet assigned
Gorski, et al.)	
)	
Serial No.: 10/784,513)	Art Unit: 1645
)	
Filed: February 23, 2004)	
)	
For: GROWTH ARREST HOMEBOX))	Attorney Docket No.: 22311/04024
GENE)	

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**TRANSMITTAL OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT -
OFFICE ACTION NOT RECEIVED**

Sir:

Transmitted herewith are the following:

1. Petition to Withdraw Holding of Abandonment - Office Action Not Received;
2. Copies of Relevant Docket Records;
3. Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
4. A copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures received from the Patent Office;
5. A copy of the Notice of Abandonment received from the Patent Office; and
6. Return receipt postcard.

It is believed that no further fee is required relating to the filing of this Petition. If this is not the case, the Patent Office is hereby authorized to charge any related fee to Deposit Account No. 03-0172. A duplicate copy of this sheet is attached.

Respectfully submitted,

Date: March 24, 2005

By: Pamela A. Docherty
Pamela A. Docherty, Reg. No. 40,591
(216) 622-8416



CERTIFICATE OF MAILING

I hereby certify that this communication is being deposited with the U.S. Postal Service, with sufficient postage as First Class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria VA 222313-1450, on this 24th day of March, 2005.

Customer Number

24024

Wendy A. Frick
Print Name Wendy A. Frick

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Not yet assigned
Gorski, et al.)	
Serial No.: 10/784,513)	Art Unit: 1645
Filed: February 23, 2004)	
For: GROWTH ARREST HOMEBOX))	Attorney Docket No.: 22311/04024
GENE)	

**PETITION TO WITHDRAW HOLDING OF
ABANDONMENT — OFFICE ACTION NOT RECEIVED**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to the procedure set forth in the PTO Notice published at 1156 OG 53 (1993), I hereby petition to withdraw the holding of abandonment in this case on the basis that the Office correspondence, *i.e.*, Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, dated May 18, 2004, forming the basis of the asserted abandonment was not received.

I hereby state:

(a) I am the attorney who filed the above-described continuation application.

(b) The Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures indicated as mailed on May 18, 2004, was not received.

(c) A search of the file jacket and the docket records indicates that this Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures was not received.

I attach a copy of the docket record printout (redacted) where the non-received Office Action would have been entered had it been received and docketed.

In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.

If any fee is required with this petition, please charge our Deposit Account Number 03-0172.

Respectfully submitted,

Dated: March 24, 2005

By: Pamela A. Docherty
Pamela A. Docherty, Reg. No. 40,591
(216) 622-8416



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/784,513	02/23/2004	David H. Gorski	22311/04024

24024
 CALFEE HALTER & GRISWOLD, LLP
 800 SUPERIOR AVENUE
 SUITE 1400
 CLEVELAND, OH 44114



CONFIRMATION NO. 1509

ABANDONMENT/TERMINATION
LETTER

OC000000015159425

Date Mailed: 02/10/2005

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/18/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(i); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-

identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Request Woldeyes

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Tuesday, July 06, 2004

Due Date List By Attorney

Page: 762

From 1/1/2004 To 8/10/2004

Attorney: PAD DOCHERTY, PAMELA A.

Due Date/ Date Type	Reason for Date	Action Base Date/	Case Number CHG Matter #	Client	Country	Application Number	Filing Date Subsidiary
17-Jul-2004	INSTRUCTIONS	11-Aug-2003	2647304026				
Due Date		ACCEPTANCE	2647304206				
		Other Attorneys: JSC	NP				
	Status: Pending	Title:					
17-Jul-2004	3MON EXTENSION	17-Mar-2004	2821704005				
Due Date		US RESTRICTION	2821704005				
		Other Attorneys: CJM					
	Status: Published	Title:					
18-Jul-2004	W/CLIENT RE:	03-Jun-2004	2272704021				
Due Date	CON/DIV FILING?	FOLLOW-UP	2272704150				
		Other Attorneys: KJF	SMP				
	Status: Published	Title:					
	Remarks:						
18-Jul-2004	Article 19	18-May-2004	2272704125				
Final		PCT Search Report	2272704173				
		Other Attorneys: KJF					
	Status: Published	Title:					



Tuesday, July 06, 2004

Due Date List By Attorney

Page: 763

From 1/1/2004 To 8/10/2004

Attorney: PAD DOCHERTY, PAMELA A.

Due Date/ Date Type	Reason for Date	Action Base Date/	Case Number CHG Matter #	Client	Country	Application Number	Filing Date Subsidiary
18-Jul-2004	EXT SRCH RPT	18-Jun-2004	2272704157				
Due Date	DUE (FROM WIPO)	EXT SRCH RPT DUE (FR	2272704214				
Other Attorneys: DHD							
Status: Pending Title:							
18-Jul-2004	Demand (2 MOS TO	18-Feb-2003	2272704157				
Reminder	FINAL)	Demand (2 MOS TO FINA	2272704214				
Other Attorneys: DHD							
Status: Pending Title:							
18-Jul-2004	RE: REC'T OF 1ST	18-Jun-2003	2721104046				
Due Date	O.A.?	STATUS CHECK	2721104046				
Other Attorneys: DHD RRL							
Status: Published Title:							
18-Jul-2004	CONVERT	18-Jul-2003	2770804064				
Final	APPLICATION	File Appl'n/Foreign Filing	2770804064				
Other Attorneys: DHD							
Status: Pending Title:							



Tuesday, July 06, 2004

Due Date List By Attorney

Page: 764

From 1/1/2004 To 8/10/2004

Attorney: PAD DOCHERTY, PAMELA A.

Due Date/ Date Type	Reason for Date	Action Base Date/	Case Number CHG Matter #	Client	Country	Application Number	Filing Date Subsidiary
18-Jul-2004 Final	CONVENTION/ELEC T PUBLICATION	18-Jul-2003 Foreign Filing	2770804064 2770804064				
Other Attorneys: DHD							
Status: Pending		Title:					
18-Jul-2004 Due Date	EXT SRCH RPT DUE (FROM WIPO)	18-Feb-2004 EXT SRCH RPT DUE (FR	2913104000 2913104001				
Other Attorneys:							
Status: Published		Title:					
18-Jul-2004 Due Date	EXT IDS	18-Feb-2004 EXT IDS	2943804001 2943804001				
Other Attorneys: WMH							
Status: Pending		Title:					
19-Jul-2004 Due Date	11 MO FFL/ELECT PUBLICATION	19-Aug-2003 Foreign Filing	0682106274 0682106274				
Other Attorneys: KJF							
Status: Pending		Title:					
Remarks:							

